

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission**

July 18, 2017

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, July 18, 2017 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:02 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (present).

Approval of the June 20, 2017 regular meeting minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the June 20, 2017 meeting minutes. All voted in favor.

Resolution #17-23 to approve the July 18, 2017 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #17-23 to approve the July 2017 Treasurers Report.

All voted in favor.

Executive Director's Report

- A. Discussion with DOT Budget Office - Ms. Stuckey sent Ron Calderon at the DOT's budget office an email notifying him that the Commission would not adjust the pilotage fees, but would prefer to utilize the surplus funds from FY17 to help cover the expenses for FY18. After reviewing the budget, he stated that based on the Commission's spending practices there should be enough funds to cover the FY18 budget which was approved at \$361,678.00. Mr. Calderon called Ms. Stuckey two weeks after receiving the budget to notify her that he has been directed by the administration to set the Commission's budget authority at \$350,000.00 and all other funds would be taken from the account. He was concerned about the \$11,678.00 shortfall. Ms. Stuckey advised him that the \$350,000.00 may be enough to cover the Commission's expenses for FY18 since they never exhaust their full budget authority. However, the Commission would monitor the account to ensure that they don't cut it too close and make any necessary adjustments to the pilotage fee. The Commission is currently collecting at 1%. Ms. Stuckey informed the Commission that she did not have the exact dollar amount of how much is going to be taken from the account, and that figure will not be available until August. She stated that she would inform them as soon as she receives that information.
- B. Hudson River Update - Since the Commission's last meeting, there have been reports of four transport jobs on the Hudson River. Ms. Stuckey believes jobs have picked up due to vacation schedules.
- C. Atlantic City Licenses - The Commission was provided with a copy of Ms. Stuckey's communication with Commander Edgar Cruz, the Chief of the Prevention Department for the Coast Guard Sector of Delaware Bay. The Coast Guard agreed to Ms. Stuckey's request to have the Absecon inlet exempt from federal pilotage since it does not meet any of the requirements that are rendered under federal law. Last Month the Commission was provided with a copy of the test that was given in 1991 to Captain Neil Keating along with a copy of the license. Ms. Stuckey will proceed with getting

the test updated and work with John Oldmixon, Chris Manglin and Tim Ferrie to set up a training program for any pilots that are interested in getting licensed for that route.

- D. Executive Order #227 - The Commission was provided with a copy of the E.O. 227. The Executive Order requires state agencies, boards, division, commission, etc. to publish any final agency orders, decisions and opinions on their websites. Ms. Stuckey has researched this issue and the Commission is currently in compliance. The Opinion and Orders issued as a result of an occurrence are not required to be posted since they are considered personnel actions and are part of the individual pilots personnel file.
- E. Distribution of Annual Report - Ms. Stuckey provided the Commission with a copy of the 2016 Annual Report. She is working on the distribution list with hopes of getting it distributed by Friday. She asked the Commission if they had any persons that they would like the report to go to, please send her their information.
- F. Distribution of Updated Regulations -The Commission was provided with a copy of the full Commission regulations that became effective January 4, 2017 with a letter to all pilots and apprentices reminding them of their obligation to be in compliance with the regulations at all times, and the Commission's intent to exercise its authority for any future infractions. The regulations will go out with the annual report on Friday.
- G. PAWSA Report - The Commission was provided with a copy of the Ports and Waterways Safety Assessment Report that was developed from the workshop that took place in the fall of 2016.
- H. Harbor Ops - Ms. Stuckey attended the Harbor Ops meeting on June 21, 2017. She updated the Commission on the following items. The new roadway of the Goethals Bridge is open and the old roadway is scheduled to come down sometime in July.

The new Bayonne Bridge air-gap sensor is operational on the new roadway.

The Coast Guard has been issued an Executive Order to review all of their regulations. They have asked the community to review any regulations that directly affect them and provide comments on how they can be improved. Ms. Stuckey provided a copy of the notice that was published in the Federal Register. She did not have intentions of submitting comments on the Commission's behalf unless any of the Commissioners had suggestions.

The dredging projects that were reported at the June meeting continue to be ongoing.

The first SULCV transit is expected to arrive on Labor Day weekend.

DOT is working to get grant money to help the Port Authority with the distribution of the parameters set by the Deep Draft Committee to ensure that the parameters for the SULCV's get to all the right people.

The Port Authority was present to give a briefing on their 30 years master plan. The plan will be completed in 3 stages (1) solicit the engagement of the people within the port community for ideas (2) develop an action plan for the short, medium and long term and (3) build upon the plans using technical, financial, environmental and community impact. Ms. Stuckey presented a copy of the power point presentation to the Commission. They are currently at phase one and have requested help from anyone that can help them get the word out.

There was also a presentation on the deconstruction of the Tappan Zee Bridge. It will begin in the fall of 2017 and will not be completed until fall 2018. There will be some anticipated channel closures in November of 2018. The contactors will continue to work with VTS to ensure updates are sent as needed.

This was the last Harbor Ops meeting for the summer. The next meeting will be in September.

- I. Training Seminar with Captain Sondergaard - Topic was discussed in Executive Session.
- J. Maritime Pilot Monthly Apprentice Training Report - Ms. Stuckey provided the Commission with a copy of the June report. The Commission will test two apprentices between now and the end of the year. Apprentice Nicholas Pitch is scheduled for the week of August 7th and Apprentice Salvador Rivas is scheduled for the week of December 11th.
- K. Meeting with Olthius Maritime - The contract for the test preparation was discussed with counsel during Executive Session. Ms. Stuckey has a meeting scheduled with Olthuis Maritime on July 28th to go over the amendments to the contract and discuss delivery of the first test.
- L. Port Industry Day - Port Industry day will take place on Monday, October 2, 2017 and will be held at Liberty House in Jersey City. The theme for this year's event has not yet been announced, but it is always a very informative forum that provides a great opportunity for networking. Ms. Stuckey and Mr. Hawkins will attend this year. Ms. Stuckey will make reservations for any member of the Commission who would like to attend.
- M. Burial at Sea - There will be a burial at sea for former Commissioner Richard Amster on August 24th. The boat will leave from Edgewater Street at approximately 10am. Retired Commissioner Stanley Wiklinski will be in attendance and will deliver a few brief words. If any Commissioners is able to attend, please advise Ms. Stuckey so she can inform the family.
- N. Ship Stats - The Commission was provided a copy of the ship stats for the month of May, courtesy of the Maritime Association.
- O. Vacation Schedules - Currently there are no definitive vacation plans; however Ms. Stuckey will take two personal days next week, Wednesday the 26th and Thursday the 27th.

P. Articles of Interest - Ms. Stuckey provided several articles of interest. She encouraged the Commissioners to read them at their leisure.

Public Comment (s)

Comments from Captain John Oldmixon, President, Sandy Hook Pilots Association:

Captain Oldmixon reported that on July 17th the OOCL Berlin, one of the largest vessels to ever come to New Jersey arrived. Captain Oldmixon stated that he, Captain DeCruz and Captain Flannery met with PNCT to iron out all of the details prior to the ships arrival. He also reported that the company that was hired by the Port Authority to try and look forward 30yrs came to meet with him and Captain DeCruz to get their feedback.

He states that the Sandy Hook Association has a boat scheduled to travel down to Atlantic City towards the end of the summer. This is due to a few pilots being interested in getting pilotage in Atlantic City and they plan to use this opportunity as an educational cruise.

Captain Oldmixon reported that the Hudson River has been very busy this year and Sandy Hook ship numbers are down and that is due to the ship containers being much larger.

Comments from Captain Robert Flannery, Captain, Metro Pilots Association:

Captain Flannery reported that Metro Pilots Associations is happy with the terminals approaching them before the large ships arrive. He stated that they had contacted the terminals and informed them that they would be happy to speak with them before the arrival of the large ships.

He also reported that Tremley Point terminal, which has not been used in years, is now building a new terminal. Metro and McAllister both reviewed the plans and both are pleased with them.

Lastly, he reported that Apprentice Kenneth Barsch has only a couple of rides left to complete his apprenticeship requirements. Metro would like to schedule his test sometime before the Commission's October, 2017 meeting.

Comment from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reports that the Hudson River Anchorage proposal is still pending. There will be a waterway safety assessment study that will prolong the proceedings for the proposal. He believes that any action on that proposal, will probably be taken sometime in 2018.

Discussion on the FY17 Audit:

Ms. Stuckey provided the Commission with the responses that were received from potential auditors. She stated that per the recommendation of the Evaluation Committee who determined which auditor would be picked based on price; a copy of the FY16 audit was distributed with the RFP. Of the twelve solicitations, one auditor declined, one gave a quote of \$20,000 and last year's auditor quoted \$3,000. Ms. Stuckey suggested two options. (1) Resubmit the RFP to smaller, local firms or (2) use the auditor from the previous year who has the lowest quote. Commissioner Dacey suggested that Ms. Stuckey set up an Audit Committee meeting and the Committee would choose from the quotes received based on the recommendations of the Audit Evaluation Committee.

Committee Report

A. Investigation Committee:

- I. **Resounder** - Ms. Stuckey believes this should be used as an opportunity to get soundings and dredging done. Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- II. **MSC Judith** - The Commission will send a copy of the report to the vessels owner and agent. Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- III. **Alexandros II** - The Commission plans to send the report and a letter to the Coast Guard, vessel's agent and owner to inform them that it is in the best interest for the company to properly maintain their ships. Based on the investigators

report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.

Executive Session

WHEREAS, the open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:40 AM.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:43 AM.

Resolution #17-24 to Approve the Upgrade of Maritime Pilot Kevin Walsh to a Pilot of Fourth Grade

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-24 to approve the upgrade of Captain Kevin Walsh to a Pilot of the Fourth Grade. All voted in favor.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 11:45 AM.